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2 THE HONORABLE RICHARD A. JONES  
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8 IN THE UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT SEATTLE

11 PAULA WETZEL AND JOEL WETZEL,  
12 ON BEHALF OF THEMSELVES AND  
13 OTHER SIMILARLY SITUATED  
14 PERSONS,

15 Plaintiffs,

16 v.

17 CERTAINTIED CORPORATION,

18 Defendant.

Case No. 2:16-CV-01160-RAJ

ORDER

19 This matter comes before the Court on Defendant CertainTeed Corporation's  
20 Motion to Quash Plaintiffs' Subpoenas Served on CertainTeed's employees Clem  
21 Benavente, Tom Kirk, and Dale Walton, and Third-Party DW International, Inc. d/b/a  
22 DataWorks International, Inc. Dkt. # 87. Plaintiffs oppose the motion. Dkt. # 92.

23 It appears that the parties did not meet and confer prior to Defendant filing this  
24 motion. Defendant argues that it is not required to meet and confer if Plaintiffs require a  
25 court reporter to be present. This is not the case. Plaintiffs may engage a court reporter  
26 at their own expense; the presence of a court reporter does not provide Defendant an  
excuse to avoid its meet and confer responsibility.

Defendant further argues that it is excused from its meet and confer requirement  
under Rule 45. This is also not the case. This Court expressly requires parties to meet  
and confer before filing any motion. Richard A. Jones, *General Motions Practice; Meet*

1 *and Confer Requirement,*

2 <http://www.wawd.uscourts.gov/sites/wawd/files/JonesGeneralMotionsPractice.pdf>.

3 It is abundantly clear to this Court that the parties have relegated their discovery  
4 approach to standards that do not conform to the minimum levels of civility. This Court has  
5 an extremely challenging and congested motions docket. Consequently, this Court has  
6 limited time and resources to dedicate to the parties' discovery antics. The Court finds it  
7 unacceptable that the parties did not properly meet and confer; Defendant's argument that  
8 such a meeting is futile is disingenuous in light of the record before the Court.

9 The Court **STRIKES** Defendant's motion and **ORDERS** the parties to meet and  
10 confer within 7 days from the date of this Order. Defendant may refile its motion if the  
11 parties remain at an in impasse with regard to these subpoenas and document requests.

12 DATED this 26th day of June, 2018.

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17 The Honorable Richard A. Jones  
18 United States District Judge  
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